

REMARKS/ARGUMENTS

In response to the Office Action mailed August 04, 2009, Applicants amend their application and request reconsideration in view of the amendments and the following remarks. In this amendment, Claim 6 is amended, no new claims have been added and claims 9 and 10 were previously cancelled without prejudice so that Claims 6-8 remain pending. No new matter has been introduced.

Claims 6-8 were rejected under 35 U.S.C. §112, first paragraph. Applicants have amended the claim to more clearly set forth the invention. Amended claim 6 now states that the concentration of trichostatin A is less than 100 nano molar. This is clearly shown in Figure 51. The x axis represents the molar concentration of trichostatin A in logarithmic form. The fourth data point from the left is almost at 10^{-7} power which is 100 nano molar. One can see that a benefit of inhibition is shown on the left side of the fourth data point. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 6-7 and 9-10 were rejected as being unpatentable over U.S. Patent Publication No. 2005/0065596 to Tseng et al. (Tseng) in view of Windecker et al. (Current Pharmaceutical Design) and U.S. Patent Application Protection No. 2005/0106203 to Roorda et al. (Roorda). Claims 6 and 8 were rejected as being unpatentable over Tseng in view of Windecker and Roorda and further in view of U.S. Patent Publication No. US 2002/0013616 to Carter et al. (Carter). These rejections are respectfully traversed.

In order to make a finding of obviousness, an Examiner must (1) determine the scope and content of the prior art, including non-analogous

art if it is in the field of endeavor reasonably related to the particular problem to which the claimed invention is directed, (2) ascertain the differences between the claimed invention and the prior art, considering both the prior art and claimed invention as a whole, and (3) resolve the level of ordinary skill in the art at the time of the invention, factoring in the creativity that one of ordinary skill in the art would employ as well as the Examiner's own knowledge and technical expertise.

It is respectfully submitted that the references taken as a whole fail to disclose or suggest all of the claimed limitations.

None of the references, whether taken alone or in combination disclose or suggest the subject matter claimed in independent Claim 6. Specifically, none of the references disclose a combination of rapamycin and trichostatin A, where the concentration of trichostatin A is less than 100 nano molar. Tseng does disclose trichostatin A, but not with all of the other elements of the claim such as using a base of one polymer with a top coat of a different type of polymer. More specifically, taken in combination, the references fail to disclose or even suggest rapamycin, trichostatin A, a base coat of 60/40 VDF/HFP and a top coat of BMA on an implantable device. The references do not suggest using a fluouropolymer with an acrylic. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

A favorable action on the merits is earnestly solicited.

Respectfully submitted,
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